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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN RICHARD JAE,

Plaintiff

v.

**KENNETH D. KYLER, individually, and
in his official capacity, et al.,**

Defendants

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No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

**FILED
HARRISBURG**

AUG 3 2001

MARY E. D'ANDREA, CLERK

DEPUTY CLERK

**DEFENDANTS' MOTION FOR ENLARGEMENT
OF TIME TO FILE BRIEF**

Defendants respectfully request an enlargement of time to file their brief in opposition to plaintiff's motion to compel. In support of this motion, defendants assert the following:

1. On July 19, 2001, this Court ordered defendants to file a brief in opposition to plaintiff's motion to compel on or before August 6, 2001.
2. Counsel for the defendants received copies of the motion to compel on July 23, 2001.
3. Counsel has a long planned family vacation scheduled for August 4, 2001 to August 11, 2001.

4. The following week counsel has due two summary judgment briefs and supporting documents, and must attend several depositions.

5. Counsel has been unable to complete the brief to date because he has been unable to reach the Commissioner of Corrections to prepare a declaration in support of defendants' claim of government privilege.

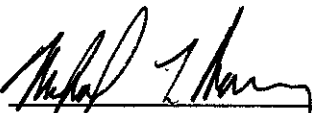
6. Due to defendant counsel's schedule, he will be unable to work on the brief opposing the motion to compel until the week of August 20, 2001.

7. Accordingly, defendants seek an enlargement of time of three weeks or until August 24, 2001, to file a brief in opposition to plaintiff's motion to compel.

WHEREFORE, defendants respectfully request an enlargement of time of three weeks or until August 24, 2001, to file their brief in opposition to plaintiffs motion to compel.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY: 

MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Litigation Section

Office of Attorney General
15th Fl., Strawberry Square
Harrisburg, PA 17120
Direct: (717) 787-7369
Date: August 3, 2001

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CERTIFICATE OF SERVICE

I, **Michael L. Harvey**, Senior Deputy Attorney General, hereby
certify that on this date I caused to be served the foregoing, **Defendants' Motion
for Enlargement of Time to File Brief**, by depositing a copy of the same in the
United States Mail, postage prepaid, in Harrisburg, Pa., addressed to the
following:

**John Richard Jae, BQ-3219
SCI-Greene
175 Progress Drive
Waynesburg, PA 15370-2902**



MICHAEL L. HARVEY

Senior Deputy Attorney General

DATE: August 3, 2001